

Wireless Communication Facility Conditional Use Type III Review

Handout #74-E Revised 3/1/06



What is the purpose of a conditional use permit?

Conditional uses are those that have unique needs or different impacts than those uses commonly allowed outright within a particular zone. As an example, schools have traditionally been located in residential zones, yet because of their traffic demands, noise and other unique impacts, the school's location and design require special public review. The conditional use process has been established to provide this type of special public review.

What is the conditional use review process?

Proposed conditional uses are subject to a Type III review process, which requires a public hearing before the County Hearing Examiner. In making the decision, the Hearing Examiner must determine if the proposed conditional use meets the requirements of the applicable sections of the Clark County Code (CCC). This decision is made after reviewing the proposal, and after considering staff's recommendation and testimony from the public. The Hearing Examiner will approve, approve with conditions, or deny the application. This decision may be appealed to the Board of County Commissioners.

Is a pre-application conference required?

A pre-application conference is required before submitting a Type III application. The pre-application conference fee is **\$997**. The requirement for a conference may be waived if the Planning Director determines that the proposal is relatively simple. A waiver requires the applicant to submit a completed "Pre-Application Review Waiver Request Form" and fee in the amount of **\$133**.

I understand a meeting with the neighborhood is required before an application may be submitted?

Yes, the applicant must hold a neighborhood meeting prior to the submission of a Type III application for a new support tower. The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower, and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting must be held at a location within a reasonable distance of the proposed development site on a weekday evening at a reasonable time. A preapplication conference is not a substitute for the required neighborhood meeting.

What kind of notice is provided for the neighborhood meeting?

The applicant must send a notice of the meeting at least 15 days prior to the scheduled meeting to the following:

1. The Chair of the Neighborhood Associations Council of Clark County (NACCC);
2. The County-recognized official representative of the respective Neighborhood Association, if one exists, that includes the proposed site plan;
3. The County staff representative responsible for neighborhood relations:

Public Service Center

*Clark County Public Information & Outreach Office,
Neighborhood Outreach Coordinator
1300 Franklin Street, 6th Floor
PO Box 5000
Vancouver, WA 98666-5000*

4. All property owners within a 660' radius (if within an urban growth boundary), and a 1,320' radius (if outside an urban growth boundary) of the project site, and

In addition to the above notice, the applicant must post a notice of the meeting in the neighborhood section of the local newspaper, and post a sign with the meeting notice in a conspicuous location near the edge of the proposed development site. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.

A copy of the notice, mailing list and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting must be submitted with the application.

What if the applicant does not submit all of the required information?

The County conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Permit Services staff will conduct a **“Counter Complete”** review of your submittal package. This initial review ensures that **all items with a bold underlined space** listed within the subdivision submittal requirements have been submitted before accepting your application (see attached submittal list). These include:

1. Cover sheet & Table of Contents
2. Application Form
3. Application Fee
4. Pre-Application Conference Report
5. Developer's GIS Packet Information
6. Narrative
7. Authorization to use Site & Support Structure
8. Legal Lot Determination Information
9. Approved Preliminary Plats Abutting the Site
10. Proposed Conditional Use/Site Plan
11. Aerial Photograph
12. Photographic Analysis
13. Soil Analysis Report
14. Preliminary Stormwater Design Report
15. Proposed Stormwater Plan
16. Project Engineer Statement of Completeness and Feasibility
17. State Environmental Review Checklist
18. Health District Development Review Evaluation Letter
19. Covenants or Restrictions
20. Associated Applications
21. Engineering Report

22. FAA Compliance
23. Neighborhood Meeting Documentation
24. Submittal Copies

Once the application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the “**Fully Complete**” review. This more detailed review ensures that **all items with a box to the left** listed under the numbered headings of the attached “Type III Conditional Use Submittal Requirements,” have been submitted. As an example, does the “Proposed Conditional Use Plan” show: “Topography at two-foot contour intervals”, “Water courses [streams, rivers, etc], “Center of stream surveyed for all on-site water courses”, “FEMA designated 100 year floodplain...” etc.).

If required items are missing from your original submittal, you will receive a letter of “**Not** Fully Complete,” with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, the applicant will be directed to submit five (5) additional copies that contain the revisions and additional information that may have been required to be Fully Complete. Once all Fully Complete copies have been received, you will receive a “Fully Complete” determination letter and be vested on the date you submitted the Fully Complete application.

What is Vesting?

Upon a determination of Fully Complete, your application is vested with the development regulations that are in place at the time the fully complete application was submitted.

Examples:

- 1) An application is submitted on June 1st and determined to be “Fully Complete” on June 25th. The application is vested as of June 1st.
- 2) An application is submitted on June 1st and subsequently determined to be “**Not** Fully Complete” on June 25th. In response, the applicant submits additional information on July 8th. The revised application is subsequently determined to be “Fully Complete” on July 18th (Note: the completeness decision will be made within 14 calendar days of new submittals). The application is vested as of July 8th, the day the fully complete application was submitted.

To be vested on the date a pre-application is filed (i.e., contingently vested), the following conditions must be met:

- 1) All the required pre-application conference information was submitted on the pre-application submittal date (Note: the Pre-Application Conference Report will indicate whether the application is contingently vested); and,
- 2) A fully complete application for substantially the same proposal was filed within 180 calendar days of the date the County issued the Pre-Application Conference Report.

What kind of public notice is provided?

At least 15 calendar days prior to the public hearing date, a notice including the date, time and place of the hearing and describing the proposal will be:

- Posted at the site,
- Published in the newspaper,
- Mailed to property owners within a 660' radius (if within an urban growth boundary), and a 1,320' radius (if outside an urban growth boundary) of the project site, and
- Mailed to the applicant.

The notice will invite interested parties to present testimony at the hearing either orally or in writing.

What is a SEPA determination?

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed subdivision be conducted. County staff and interested agencies will review the Conditional Use application to determine its compliance with applicable Federal, State and County Code. Through this process a determination will be made as to whether the impacts will be considered non-significance (DNS), mitigated non-significance (MDNS), or significance (DS). For a DNS or MDNS determination, an analysis will be incorporated within the Staff Report referenced below. If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement (EIS) prior to the County considering the proposed subdivision. The SEPA determination is then published in the Columbian Newspaper.

What is a Staff Report?

Staff's role is to prepare a Staff Report that summarizes their review of the proposal against the requirements of the Clark County Code (CCC). In this report, staff will make a recommendation to approve, approve with conditions or deny the application. This written report will be mailed to the applicant at least 14 calendar days prior to the scheduled public hearing on this matter.

When will the public hearing be held?

Within 78 days of a Fully Complete determination, a public hearing will be held before the County's Hearing Examiner to consider the application.

What happens at the public hearing and when do I get to speak?

First, the applicant or their representative will be asked to present an overview of the proposed project to the audience, including those viewing the hearing over CVTV cable access television. The applicant will next give a detailed description of the project and design considerations, showing the site plan and other drawings by either utilizing the overhead projector or making pre-meeting arrangements to use the Power Point projector.

Once the overview is completed, the applicant may next raise issues regarding the staff report and recommendations. This is also the time for the applicant to address issues that they believe may be brought up during the public testimony portion of the hearing, and/or issues they believe the Hearings Examiner may raise.

Once the applicant has completed their presentation, county staff will present an overview of their analysis, findings and recommendation as to whether the application meets or exceeds the approval criteria.

Following the staff presentation, the hearing will be open to the general public for their testimony. Once all the public testimony has been presented, the applicant will have the opportunity to provide rebuttal testimony. The Hearing Examiner may request that a third party review the applicant's submittal for compliance with sections of the code and continue the hearing to a later date.

If a third party technical review of the proposal is not requested, the Hearing Examiner will then close the public hearing.

When will I receive a decision on my application?

Within 14 calendar days after the date the record closes, the Hearing Examiner will issue a written decision regarding the application. Within 7 calendar days of its issuance, the decision will be mailed to the applicant, other parties of record, and the neighborhood associations.

Can the decision be appealed?

The Hearing Examiner's decision may be appealed to the Board of County Commissioners by the applicant or a party of record (i.e., someone who presented written or verbal testimony, or signed the hearing sign-in sheet on the specific application). An appellant must submit an appeal application and **\$266** fee within 14 calendar days after the written notice of the decision is mailed.

When can the applicant reapply if the application is denied?

If the conditional use application is denied by the Hearing Examiner or by the Board of County Commissioners on appeal, reapplication cannot be accepted until one year after the date of denial.

How long does the applicant have to complete the project?

Preliminary conditional uses shall be valid for a period of 5 years after approval, during which time a fully complete application for a building permit must be submitted. This time limit may be extended where there is an approved phased development or separate development agreements have been approved. (See Clark County Code, Section 40.500.010(B) for more details)

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.520.030 Conditional Use Permits and Section 40.260.250 Wireless Communication Facilities.

DEVELOPMENT REVIEW CONDITIONAL USE APPLICATION SUBMITTAL REQUIREMENTS

The following checklist identifies information to be included with the Application. All items with a bold underlined space (i.e., **___**) must be submitted before the application will be considered “**Counter Complete**.” All items with a box to the left must be submitted before the application will be determined “**Fully Complete**.” All bulleted items must be submitted, as applicable, but are not a “Fully Complete” requirement. **(Note: The Pre-Application Conference Report will indicate any additional/exempted submittal requirements).**

At the time of application, only **one copy of the main submittal** with original signatures, **shall be submitted and bound by a jumbo clip or rubber band**. One copy of any **special studies** (e.g., wetland, floodplain, etc) **shall also be submitted but bound separately**.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1. **___ COVER SHEET AND TABLE OF CONTENTS** - Each submittal packet shall contain a cover sheet that contains the project name and applicant’s name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.
2. **___ APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
3. **___ APPLICATION FEE** - The requisite fee for the Conditional Use shall accompany the application. The check is to be made payable to "Clark County Community Development Department".
4. **___ PRE-APPLICATION CONFERENCE REPORT** – A copy of the “Pre-Application Conference Report” must be submitted.
5. **___ DEVELOPER’S GIS PACKET INFORMATION**
A copy of the “Developer’s GIS Packet” shall be submitted with the Conditional Use application submittal. This packet is available from the Dept. of GIS, Public Service Center, 1300 Franklin Street, 2nd Floor, Vancouver, WA, for **\$30.00**, and must be ordered [(360)-397-2375, ext. 4082] at least 24 hours prior to pickup. The packet includes the following:
 - General Location Map
 - Property Information Fact Sheet
 - Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map
 - Elevation Contours Map
 - Photography Map

- Photography Map with Contours
- Zoning Map
- Comprehensive Plan Map
- Water, Sewer and Storm Systems Map
- Soil Type Map
- Environmental Constraints Map
- Quarter Section Map

6. **NARRATIVE**

A written narrative shall be submitted that addresses the following:

- ❑ How the application meets or exceeds each of the applicable approval criteria and standards;
- ❑ How the proposed plan meets the minimum area and dimensions of the base zone;
- ❑ How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site; and,
- ❑ A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility and the ability to accommodate future co-location opportunities.
- ❑ If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility.
- ❑ An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area.
- ❑ An analysis of existing WCFs within the intended service area, describing the status of collocation opportunities at these sites.
- ❑ The proposed frequency of trips the proposal could be expected to generate.

7. **AUTHORIZATION TO USE SITE**

Documentation establishing the applicant's right to use the site must also be submitted (e.g., proposed lease agreement, easement agreement or license agreement).

8. **LEGAL LOT DETERMINATION INFORMATION**

The preliminary plan shall encompass the entire area of the legal lot(s) involved in the plat and designate the proposed use (i.e., lots, tracts, easements, dedications) for all land contained within the plat and any boundary line adjustments to be completed prior to final plat. In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted:

- ❑ Current owner's deed if lot determination not required, as specified in the Pre-Application Conference Report, or one of the following:

- ❑ Prior County short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot; or,
- ❑ Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the Assessor's lot number.

9. **APPROVED PRELIMINARY PLATS ABUTTING THE SITE**

A map shall be submitted that shows all approved preliminary land divisions that are yet to be recorded (as listed within the pre-application conference summary), that abut the site (including across public and private streets from the site). Also include preliminary approved and unrecorded divisions that are between the site and nearest public or private street providing vehicular access to the site.

10. **PROPOSED CONDITIONAL USE/SITE PLAN**

- ❑ The proposed plan shall be drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36", and

The following information shall be clearly depicted on the proposed plan: (took out words land division)

GENERAL INFORMATION

- ❑ Applicant's name, mailing address and phone number;
- ❑ Owner's name and mailing address;
- ❑ Contact person's name, mailing address, and phone number;
- ❑ North arrow (orientated to the top, left or right of page) scale and date;
- ❑ Proposed name of project (i.e., subdivision or business);
- ❑ Vicinity map covering ¼ mile radius from the development site (not required for rural area plans); and,
- ❑ Area of the site in acres or square feet.

EXISTING CONDITIONS

Environmental

(On and within one hundred (100) feet of the site)

(For purposes of being determined fully complete, only those existing conditions that are shown on the GIS map, known by the applicant or are discussed in the pre-application summary must be included on the proposed plan).

- ❑ Topography at 2 foot contour intervals, or other intervals if not available from a public source (see GIS Packet);
- ❑ Watercourses (streams, rivers, etc.) (see GIS Packet);
- Center of stream surveyed for all on-site water- courses with Professional Land Surveyor Stamp and signature;
- Areas prone to flooding;
- ❑ FEMA designated floodplains, flood fringe, or floodway (see GIS Packet);
- ❑ Designated Shoreline areas (see GIS Packet);
- ❑ Water bodies and known wetlands (see GIS Packet);
- ❑ Wetland delineation (see Pre-application Report) ;

- ❑ Unstable slopes and landslide hazard areas (see GIS Packet);
- ❑ Significant wildlife habitat or vegetation (see GIS Packet); and,
- ❑ Significant historic, cultural or archaeological resources (see GIS Packet and Pre-Application Report).

Land Use and Transportation

- ❑ Layout, square footage and dimensions of all parcels;
- ❑ Location(s) of any existing building(s) on the site and use;
- ❑ Location and width of existing easements for access, drainage, utilities, etc.;
- ❑ Name, location and width of existing rights-of-way;
- ❑ Name, location, full width and surfacing materials (e.g., gravel, asphalt or concrete) of roadways and easements (private and public);
- ❑ Location of existing driveways and those driveways across the street, to include distance between driveways and distance between roadway intersections and nearest driveways. (edge to edge);

Water and Sewer

- ❑ Location and direction to nearest fire hydrant (see GIS Packet);
- Location of existing sewage disposal systems and wells on the site; and,
- Location of existing sewage disposal systems and wells within 100 feet of the site (as available from the Health Department).

PROPOSED IMPROVEMENTS

Environmental

- Wetland, stream, steep bank buffer areas/protected areas; and,
- Planned enhancement areas.
- The location of new support towers in relationship to any national wildlife refuge.

Land Use and Transportation

- ❑ The configuration and dimensions of the project boundaries, proposed lots and tracts (for binding site plans), including proposed drainage tracts or easements;
- ❑ Dimensions of all proposed easements;
- ❑ Location (i.e., dimensions from property lines) of any existing buildings to remain on the site to include approximate square footage. For all structures, include the number of stories, construction type (e.g., metal, wood, concrete block, etc.) and proposed uses;
- ❑ Location and width of all road rights-of-way;
- ❑ Location, width (e.g., curb to curb distance) and surface material of all proposed roadways (private and public), provided by drawing or note and typical cross-section (from county road standards);
- Location of all road segments in excess of 15% grade that are either on the site or within 500 feet of the site which are being proposed for site access;
- ❑ Location, width and surface material of off-site roads which will provide access to the site within 500 feet of the site;
- Location and width of proposed driveways for corner lots and driveways where site distance standards cannot be met;

- Site distance triangles where site distance standards cannot be met;
- Location and width of proposed easements for access, drainage, utilities, etc. (provided by drawing or note);

Conditional Use Requirements:

- ❑ Layout of proposed structures including square feet;
- ❑ Architectural drawings and sketches of buildings indicating floor plan, elevations, types of materials and colors, and type of construction per the Uniform Building Code;
- ❑ Elevation plans showing the proposed tower and antennae, and the height of each as well as any lightning rods (as applicable).
- ❑ Location, dimensions and number of off-street parking and loading areas; and,
- ❑ Distance between existing and proposed structures and associated facilities, and nearest residence on adjacent properties.

Landscaping

- ❑ Landscape and screening plans for new support structures and urban area arterial and collector roadways must be submitted, to include:
 - Location, number, species, size at planting, and spacing of proposed plant material;
 - Location, number, species and size of existing landscape material to be removed and/or retained;
 - Location, type (such as sod, groundcover or shrub mass) and area (in terms of square feet and percentage of site) of all soft landscaped areas and buffers;
 - Location, height and materials of fences, buffers, berms, walls and other methods of screening;
 - Landscaping and screening Installation procedures and maintenance plans.

11. __AERIAL PHOTOGRAPH

An aerial photograph, which clearly indicates the location of the proposed facility in relation to:

- Significant features within 1320 feet including, but not limited to, existing and/or proposed site structures, public rights-of way, residential developments, adjacent land uses, and properties used for public purposes;
- Governmental jurisdictional boundaries within five hundred (500) feet of the proposal boundaries; and
- Cliffs, snags, talus, Oregon white oak woodlands, urban natural open space, waterfowl habitat and bald eagle foraging areas within a thousand (1000) feet as defined by the Department of Fish and Wildlife as Priority Habitats and Species areas subject to CCC 40.440.

12. __PHOTOGRAPHIC ANALYSIS

A photographic analysis of the proposed site, including a representation of existing conditions, and photographic simulations depicting views of any new support structures or towers must be submitted.

13. __SOIL ANALYSIS REPORT (if applicable)

14. __ PRELIMINARY STORMWATER DESIGN REPORT (if applicable)

15. __ PROPOSED STORMWATER PLAN (if applicable)

16. __ PROJECT ENGINEER STATEMENT OF COMPLETENESS AND FEASIBILITY (if applicable)

The project engineer shall include a statement that all information required by Clark County Code, Chapter 40.380 Stormwater and Erosion Control Ordinance, is included in the preliminary stormwater plan and that the proposed stormwater facilities are feasible.

17. __ STATE ENVIRONMENTAL REVIEW

A State Environmental Policy Act (SEPA) ENVIRONMENTAL CHECKLIST must be completed, original signed in ink and submitted (*available at the Permit Services Center*)

18. __ HEALTH DEPARTMENT DEVELOPMENT REVIEW EVALUATION LETTER, IF USE OF WELLS OR SEPTIC SYSTEMS IS PROPOSED

A Development Review Evaluation letter from the Clark County Health Department must be submitted. This evaluation is conducted to identify any water wells or septic systems located on the parcel.

19. __ COVENANTS OR RESTRICTIONS

All existing covenants or restrictions and/or easements that apply to the property must be submitted (*available from a Title Company*).

20. __ ASSOCIATED APPLICATIONS

Applications associated with the preliminary plat, to the extent applicable (e.g., floodplain, habitat, shoreline, wetland, variances, etc.) must be submitted prior to or concurrent with this application (see Pre-Application Conference Report).

21. __ ENGINEERING REPORT

A report stamped, dated and signed by a licensed professional engineer registered in the State of Washington demonstrating the following:

- 1) The facility complies with all requirements of the Uniform Building Code;
- 2) The structural capability of the facility will support co-located antennas (if applicable);
- 3) The facility complies with all applicable standards of the FAA and FCC, including RF energy standards.
- 4) The basis for the calculation of capacities.

22. __ FAA COMPLIANCE

Evidence of compliance with Federal Aviation Agency (FAA) requirements must be submitted with the application.

23. NEIGHBORHOOD MEETING DOCUMENTATION

A copy of the notice, mailing list, proposed development plan, as presented at the meeting, minutes and the sign-in sheet from the meeting must be submitted.

24. SUBMITTAL COPIES

____ One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures; and,

____ One copy of any special studies (e.g., wetland, floodplain, etc) and bound separately.

When all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the main submittal, including copies of the "Developer's GIS Packet". The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the Fully Complete review, and be bound using jumbo clips, stapled, comb or spiral binding, etc.

Copies of any special studies (as identified within the "Pre-Application Report") as following:

- ☐ 1 original and 3 copies – Archeological Pre-Determination Report
- ☐ 1 original - Archeological Study
- ☐ 1 original and 3 copies - Road Modification requests
- ☐ 1 original and 2 copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland).
- ☐ 2 reduced copies of 11" x 17" for all sheets larger than 11" x 17."

Staff Notes:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

This application was determined to be Counter Complete on: ____/____/____

Community Development Specialist: _____

CONDITIONAL USE REVIEW FEE SCHEDULE

The following fees are required for submittal of a conditional use application. These fees are to be paid at the time of application.

Application (Minor CU):	\$4,669*
Environmental Checklist Review (SEPA):	\$3,391 + 70/acre
Transportation Review (if applicable):	\$1,401
Stormwater Review (if applicable):	\$1,358
Fire Marshal Review (if applicable):	\$283
Lot Determination Fee:	\$175 + 65/lot over 2**

*Fee reduced by 25% when submitted concurrently with site plan application.

** This fee is not required if a previous legal review has been completed.

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**



ADA COMPLIANCE PROGRAM:

For an alternate format, contact the Clark County ADA Compliance Office, V (360) 397-2375-2025; TTY (360) 397- 2445;

E-Mail: ADA@clark.wa.gov